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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,279	07/31/2001	Raymond Anthony Joao	RJ216	4075

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EXAMINER

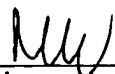
TRAN, DALENA

ART UNIT PAPER NUMBER

3661

DATE MAILED: 09/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/919,279	Applicant(s) JOAO, RAYMOND ANTHONY	
	Examiner Dalena Tran	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,11,21-27 and 29-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,11,21-27,29-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 6/14/04. As per request, claims 1,11,23,32, and 39 have been amended. Thus, claims 1, 11, 21-27, and 29-39 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,11,21-24,31-32, and 39, are rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322) in view of Petite et al. (6,437,692).

As per claim 1, Kirkevold et al. disclose an apparatus for providing vehicle diagnostic information, comprising: a memory device for storing at least one of vehicle diagnostic information, vehicle repair information, vehicle maintenance information, and vehicle servicing information (see the abstract; column 4, lines 45-55; column 5, lines 8-33; and column 8, lines 13-39), and a processing device associated with the web site, wherein the processing device is a server computer or a network computer, wherein the processing device is located at a location remote from the vehicle and remote from the communication device, wherein the processing device processes the request for information regarding at least one of vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, utilizing the at least one of vehicle diagnostic

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information, vehicle repair information, vehicle maintenance information, and vehicle servicing information, wherein the processing device generates a diagnostic report in response to the request for information (see column 4, lines 33-46; column 8, lines 30-39; columns 9-10, lines 43-53; and column 11, lines 17-44). Kirkevold et al. do not disclose a receiver and transmitter. However, Petite et al. disclose a receiver associated with a web site for receiving a request for information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the request for information is transmitted to the receiver from a communication device, wherein the communication device is located at a location remote from the vehicle and remote from the apparatus, and the communication device is at least one of a personal computer, a home computer, a laptop computer, a personal communication device, a hand-held computer, a palmtop computer, a personal digital assistant, a telephone, a television, and an interactive television (see the abstract), and further wherein the request for information is transmitted to the receiver on or over at least one of the Internet and the World Wide Web, and a transmitter associated with the web site for transmitting the diagnostic report to the communication device, wherein the diagnostic report is transmitted to the communication device on or over at least one of the Internet and the World Wide Web (see column 2, lines 42-65; columns 2-3, lines 66-45; column 6, lines 38-49; column 7, lines 17-57; column 10, lines 12-53; column 12, lines 41-62; and columns 16-17, lines 35-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kirkevold et al. by combining a receiver for receiving information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the information is transmitted to the receiver from a communication device, wherein the

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communication device is located at a location remote from the vehicle, and a transmitter for transmitting the diagnostic report to the communication device for wireless communication between a remote communication device and the vehicle.

Claim 11, is method claims corresponding to apparatus claim 1 above. Therefore, it is rejected for the same rationales set forth as above.

As per claim 21, Kirkevold et al. disclose processing device processes information regarding at least one of a subsequent repair, a maintenance procedure, and a servicing procedure, and further wherein the processing device stores information regarding at least one of a subsequent repair, a maintenance procedure, and a servicing procedure in the memory device (see columns 5-6, lines 35-3; columns 11-12, lines 55-23; and columns 13-14, lines 65-5).

As per claim 22, Kirkevold et al. disclose memory device contains information regarding at least one of a single vehicle and a plurality of vehicles (see column 12, lines 22-36).

As per claims 23, and 39, Petite et al. disclose the apparatus is utilized in connection with a wireless communication network and the communication device is a wireless device (see the abstract).

As per claim 24, Kirkevold et al. disclose the memory device comprises a comprehensive vehicle maintenance database (see column 4, lines 45-55).

Claims 31, and 32, are method claims corresponding to apparatus claims 21, and 23 above. Therefore, they are rejected for the same rationales set forth as above.

4. Claims 25-26, and 33-34, are rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), and Petite et al. (6,437,692) as applied to claim 1 above, and further in view of Li (US 2002/0072808 A1).

As per claims 25-26, Kirkevold et al. do not disclose a maintenance reminder message. However, Li discloses the processing device generates at least one of a maintenance reminder message and a service reminder message, wherein the at least one of a maintenance reminder message and a service reminder message is transmitted to the communication device (see [0047]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al. by combining the processing device generates at least one of a maintenance reminder message and a service reminder message for assisting the vehicle driver to keep up with schedule service and maintenance of the vehicle.

Claims 33-34, are method claims corresponding to apparatus claims 25-26 above. Therefore, they are rejected for the same rationales set forth as above.

5. Claims 27,29, and 35-36, are rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), and Petite et al. (6,437,692) as applied to claim 1 above, and further in view of Rother (6,141,608).

As per claim 27, Kirkevold et al., and Petite et al. do not disclose upload vehicle information. However, Rother discloses the apparatus transmits a signal to at least one of a vehicle computer and a vehicle electronic command computer, and apparatus uploads vehicle information from at least one of a vehicle computer and a vehicle electronic command computer (see the abstract; and column 6, lines 31-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., and Petite et al. by combining the apparatus transmits a signal to at least one of a vehicle computer and a vehicle electronic command computer, and apparatus uploads vehicle information from at least one of a vehicle computer and a vehicle electronic command computer for collecting the

parameter data of actual driving condition and subsequently transferring this data to a remote data processor for analysis. As per claim 29, Kirkevold et al., and Petite et al. do not disclose a feasibility of performing at least one a repair, a maintenance procedure, and a servicing procedure on the vehicle. However, Rother discloses the processing device determines a feasibility of performing at least one a repair, a maintenance procedure, and a servicing procedure on the vehicle (see columns 4-5, lines 42-2; column 5, lines 45-58; and columns 6-7, lines 58-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., and Petite et al. by combining the processing device determines a feasibility of performing at least one a repair, a maintenance procedure, and a servicing procedure on the vehicle for accurately determines drivability symptoms exhibited by vehicles, therefore the appropriate maintenance procedure can perform for the vehicle.

Claims 35, and 36, are method claims corresponding to apparatus claims 27, and 29 above. Therefore, they are rejected for the same rationales set forth as above.

6. Claims 30, and 37-38, are rejected under 35 U.S.C.103(a) as being unpatentable over Kirkevold et al. (6,263,322), and Petite et al. (6,437,692) as applied to claim 1 above, and further in view of Diaz et al. (6,356,822).

As per claim 30, Kirkevold et al., and Petite et al. do not disclose vehicle service providers. However, Diaz et al. disclose the memory device stores information regarding at least one of vehicle service providers, a provider of specialized services, vehicle parts providers, vehicle equipment providers, vehicle component providers, and vehicle accessory providers (see column 7, lines 1-8), wherein the receiver receives a request for at least one of vehicle service providers, a provider of specialized services, vehicle parts providers, vehicle equipment

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providers, vehicle component providers, and vehicle accessory providers (see column 10, lines 1-38), wherein the processing device processes the request utilizing the information regarding the at least one of vehicle service providers, a provider of specialized services, vehicle parts providers, vehicle equipment providers, vehicle component providers, and vehicle accessory providers (see columns 10-11, lines 39-10), wherein the processing device generates at least one of a second message to provide information to a user and a third message to provide information to a provider and further wherein the transmitter for transmitting at least one of the second message to the communication device and the third message to a second communication device associated with a provider (see columns 12-13, lines 14-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kirkevold et al., and Petite et al. by combining the memory device stores information regarding at least one of vehicle service providers, a provider of specialized services, vehicle parts providers, vehicle equipment providers, vehicle component providers, and vehicle accessory providers to provide information for and about the vehicle's operation status and coordinating the vehicle's activities.

Claims 37, and 38, are method claims corresponding to apparatus claim 30 above.

Therefore, they are rejected for the same rationales set forth as above.

Remarks

7. Applicant's argument filed on 6/14/04 have been fully considered but they are not deemed to be persuasive.

Applicant's argument that references cited do not teach claims 1 and 11. However, as cited in item 3 above, Kirkevold et al., and Petite et al. teach all claims 1 and 11 as above; a

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memory device for storing at least one of vehicle diagnostic information, vehicle repair information, vehicle maintenance information, and vehicle servicing information (see the abstract; column 4, lines 45-55; column 5, lines 8-33; and column 8, lines 13-39), and a processing device associated with the web site, wherein the processing device is a server computer or a network computer, wherein the processing device is located at a location remote from the vehicle and remote from the communication device, wherein the processing device processes the request for information regarding at least one of vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, utilizing the at least one of vehicle diagnostic information, vehicle repair information, vehicle maintenance information, and vehicle servicing information, wherein the processing device generates a diagnostic report in response to the request for information (see column 4, lines 33-46; column 8, lines 30-39; columns 9-10, lines 43-53; and column 11, lines 17-44). Kirkevold et al. do not disclose a receiver and transmitter. However, Petite et al. disclose a receiver associated with a web site for receiving a request for information regarding at least one of a vehicle problem, a vehicle malfunction, and a vehicle state of disrepair, regarding a vehicle, wherein the request for information is transmitted to the receiver from a communication device, wherein the communication device is located at a location remote from the vehicle and remote from the apparatus, and the communication device is at least one of a of a personal computer, a home computer, a laptop computer, a personal communication device, a hand-held computer, a palmtop computer, a personal digital assistant, a telephone, a television, and an interactive television (see the abstract), and further wherein the request for information is transmitted to the receiver on or over at least one of the Internet and the World Wide Web, and a transmitter associated with the web site for transmitting the

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diagnostic report to the communication device, wherein the diagnostic report is transmitted to the communication device on or over at least one of the Internet and the World Wide Web (see column 2, lines 42-65; columns 2-3, lines 66-45; column 6, lines 38-49; column 7, lines 17-57; column 10, lines 12-53; column 12, lines 41-62; and columns 16-17, lines 35-23).

Examiner maintains that all the references cited meet the language of the claims invention. Therefore, the rejection under 35 U.S.C.103(a) are considered to be proper.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a).


Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shorten statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTHS** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TAN Q. NGUYEN
PRIMARY EXAMINER

/dt
September 15, 2004